

REMARKS

Claims 1-13, 21, and 22 are pending. Claim 21 is amended to be consistent with the language of claim 1.

Claims 1, 2 and 21 were rejected under 35 U.S.C. §102(e) as being anticipated by *Wada et al.* (USP 6,071,810). The Examiner states that *Wada et al.* discloses introducing impurities into a first insulation layer 183 formed on a substrate, referring to Fig. 49B. The rejection is respectfully traversed since *Wada et al.* does not teach each and every limitation of the claims.

Claim 1 requires forming a first insulation layer on a flat underlying face over a substrate. The insulation layer 183 of *Wada et al.* is not formed on a flat underlying face. More specifically, the first insulation layer of claim 1 is not formed on structural elements having concave or convex portions, but instead is formed on a flat underlying face over a substrate. *Wada et al.* does not meet this limitation.

Claim 1 was rejected under 35 U.S.C. §102(e) as being anticipated by *Gambino et al.* (USP 6,136,836). This rejection is respectfully traversed.

Like *Wada et al.*, *Gambino et al.* does not teach forming a first insulation layer on a flat underlying face over a substrate.

Claims 1, 2, 4, 7-12 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Hsieh et al.* (USP 5,960,321) in view of *Wada et al.* or *Jain et al.* This rejection is respectfully traversed.

U.S. Patent Application Serial No. **09/320,271**
Amendment dated September 23, 2003
Reply to OA of **May 23, 2003**

In this rejection, the Examiner considers *Hsieh et al.* to provide a first insulation layer 26. However, the first insulation layer 26 of *Hsieh et al.* is not formed on a flat underlying face as required by the presently pending claims. Thus, the combination of references fails to provide all of the limitations required by the claims.

Claims 7-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Wada et al.*, *Gambino et al.* and *Hsieh et al.* and *Jain et al.* in view of *Ohbayashi et al.* (USP 5,863,702). This rejection is respectfully traversed for the same reasons discussed above. That is, the combination of cited references fails to teach or suggest a first insulation layer formed on a flat underlying face. The present invention enables an organic SOG film 3 to have a substantially uniform thickness and be uniformly modified, according to the description of page 9 line 32 to page 10, line 2 in the specification of the present application. The cited art fails to teach or suggest the claimed invention.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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Attachment: Petition for Extension of Time w/fee

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